

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JOE ANDREW SALAZAR,

Plaintiff,

v.

AT&T MOBILITY LLC,
SPRINT/UNITED MANAGEMENT
COMPANY,
T-MOBILE USA, INC., and
CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS,

Defendants.

Civil Action No. 5:19-cv-75

JURY TRIAL DEMANDED

JOINT MOTION TO AMEND THE DOCKET CONTROL ORDER

Plaintiff Joe Andrew Salazar (“Salazar”) and defendants AT&T Mobility LLC, Sprint/United Management Company, T-Mobile USA, Inc., and Cellco Partnership d/b/a Verizon Wireless (the “Defendants”) (collectively, the “Parties”) file this Joint Motion to Amend the Docket Control Order. The Parties jointly and respectfully move to reset the *Markman* hearing to a date convenient to the Court between July 13 and July 24, 2020, and to reset the dispositive motion deadline to November 30, 2020. As good cause supporting this Motion, the Parties respectfully show as follows:

1. Pursuant to the Court’s Order (Dkt. 34), the Parties jointly submitted an agreed docket control order (Dkt. 39) and the *Markman* hearing is currently set for June 3, 2020. The Parties jointly move to reschedule the *Markman* hearing to a date between July 13 and July 24, 2020.

2. Good cause exists to reschedule the *Markman* hearing, because defense counsel are scheduled to participate in a trial set for June 1, 2020. *See Zest Labs, Inc. v. Wal-Mart, Inc.*, No. 4:18-cv-500, Dkt. 75 (E.D. Ark.).

3. All Parties are available for the *Markman* hearing on any date convenient to the Court between July 13 and July 24, 2020. Pursuant to the Court's instruction, the Parties submit this motion and a proposed Docket Control Order specifying that the *Markman* date would occur between July 13 and July 24, 2020, subject to the Court's availability.

4. Pursuant to the Court's Order (Dkt. 34), the dispositive motion deadline is currently set for November 10, 2020. The Parties also jointly move the Court to reschedule the dispositive motion deadline to November 30, 2020.

5. Good cause exists to reschedule the dispositive motion deadline to allow for additional time after the close of fact discovery to conduct expert discovery. Under the Parties' proposed Docket Control Order, there will be four weeks from the close of fact discovery to initial expert reports, four weeks from initial expert reports to rebuttal expert reports, two weeks from rebuttal reports until the close of expert discovery, and four weeks from the close of expert discovery to submit dispositive motions.

6. Should the Court reschedule the dispositive motion deadline to November 30, the Parties do not anticipate that the Court would need to reschedule the hearing on dispositive motions, currently scheduled for February 9, 2021.

7. A proposed order granting the relief requested in this motion is submitted herewith.

WHEREFORE, the Parties jointly request that the Court reschedule the *Markman* hearing to a date between July 13 and July 24, 2020, and reschedule the dispositive motion deadline to November 30, 2020.

Dated: November 13, 2019

Respectfully submitted,

/s/ Geoffrey Culbertson

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 13th day of November, 2019, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Fred I. Williams